

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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SALLY WHITE,

Plaintiff,

v.

SMITHS DETECTION, INC., et al.,

Defendants.

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**Civil Action No. 10–4078 (SRC)**

**AMENDED ORDER**

**CHESLER, District Judge**

The Order entered on April 18, 2011 is hereby amended as follows:

This matter comes before the Court upon the motions to dismiss the First Amended Complaint (“FAC” or “Complaint”) [docket entry no. 34] filed by Defendant Smiths Group, plc (“Smiths Group”) [docket entry no. 39], Defendant Philip Bowman [docket entry no. 41], and Defendants Smiths Detection, Inc. (“Smiths Detection”) Brian Bark, Penny Boyko, Christopher Gane, and Stephen Phipson [docket entry no. 44]; and opposition to the motions having been filed; and the Court having requested, and the parties submitted, supplemental briefing; and the Court having heard oral argument on the motions on March 14, 2011; and the Court having considered the parties’ briefing and arguments; and for the reasons expressed in the Opinion filed herewith, and for good cause shown,

**IT IS** on this 6<sup>th</sup> day of June, 2011,

**ORDERED** that Defendant Smiths Group plc's motion to dismiss [docket entry no. 39] be and hereby is **GRANTED**; and it is further

**ORDERED** that Defendant Philip Bowman's motion to dismiss [docket entry no. 41] be and hereby is **GRANTED**; and it is further

**ORDERED** that Defendants Smiths Detection, Brian Bark, Penny Boyko, Christopher Gane, and Stephen Phipson's motion to dismiss [docket entry no. 44] be and hereby is **GRANTED IN PART AND DENIED IN PART**; and it is further

**ORDERED** that the motion to dismiss [docket entry no. 44] as to Smiths Detection and Brian Bark be and hereby is **GRANTED**; and it is further

**ORDERED** that as to Defendants Penny Boyko, Christopher Gane and Stephen Phipson, the motion to dismiss [docket entry no. 44] be and hereby is **GRANTED** with regard to individual liability based on Counts V-IX; and it is further

**ORDERED** that insofar as Defendants Penny Boyko, Christopher Gane and Stephen Phipson seek to have all claims against them dismissed, the motion to dismiss [docket entry no. 44] be and hereby is **DENIED** because Count IV of the Complaint (unequal compensation) remains viable.

s/Stanley R. Chesler  
STANLEY R. CHESLER  
United States District Judge